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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

NORTHERN ARAPAHO TRIBE,)
)
)
Plaintiff,)
)
)
v.) Case No. 0:21-cv-00037-NDF
)
)
NORRIS COCHRAN, in his official)
capacity as Acting Secretary, U.S.)
Department of Health and Human Services)
ELIZABETH FOWLER, in her official)
capacity as Acting Director, Indian Health)
Service)
UNITED STATES OF AMERICA,)
)
Defendants.

DEFENDANTS' MOTION TO DISMISS

Defendants, by counsel, respectfully move the Court for an order dismissing Plaintiff's complaint for failure to state a claim upon which relief can be granted, Fed. R. Civ. P. 12(b)(6). The grounds for this motion are set forth in detail in the accompanying supporting brief.

For the reasons set forth in their brief, Defendants request that the Court dismiss Plaintiff's complaint.

Respectfully submitted this 21st day of May, 2021.

L. ROBERT MURRAY
Acting United States Attorney

By: /s/ Nicholas Vassallo
NICHOLAS VASSALLO
Assistant United States Attorney

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that on May 21, 2021, a copy of the **Defendant's Motion to Dismiss** was filed with the Court's CM/ECF system, which will send a notice of electronic filing to counsel of record.

/s/ Rob Gaulke
Rob Gaulke
United States Attorney's Office